

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

JACOB RYAN MURIE,

Plaintiff,

v.

CROSSROADS CORRECTIONAL  
CENTER,

Defendant.

CV 17-00005-GF-BMM-JTJ

FINDINGS AND RECOMMENDATIONS OF  
UNITED STATES MAGISTRATE JUDGE

Plaintiff Jacob Murie, a federal prisoner proceeding without counsel, filed two complaints pursuant to 42 U.S.C. § 1983. (Docs. 1, 6.) On February 24, 2017, this Court issued an Order finding that the Complaints, as currently plead, failed to state a claim. Mr. Murie was given until March 31, 2017 to file a second amended complaint. (Doc. 7.) He has not done so. Mr. Murie was specifically advised that failure to comply with the Court's Order would result in the dismissal of this action with prejudice. (Doc. 7 at 11.)

For the reasons set forth in the Court's February 24, 2017 Order (Doc. 7), IT IS HEREBY RECOMMENDED that this matter be DISMISSED WITH PREJUDICE for failure to state a claim. The Clerk of Court should be directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of

Civil Procedure.

IT IS FURTHER RECOMMENDED that the Clerk of Court be directed to have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g) for failure to state a claim and that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS &  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

Mr. Murie may file objections to these Findings and Recommendations within fourteen (14) days after service (mailing) hereof.<sup>1</sup> 28 U.S.C. § 636. Failure to timely file written objections may bar a de novo determination by the district judge and/or waive the right to appeal.

This order is not immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Fed.R.App.P. 4(a), should not be filed until entry of the District Court's final judgment.

DATED this 13th day of April 2017.

/s/ John Johnston  
John Johnston  
United States Magistrate Judge

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<sup>1</sup>As this deadline allows a party to act after the Findings and Recommendations is "served," it falls under Fed.R.Civ.P. 6(d). Therefore, three (3) days are added after the period would otherwise expire.